



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.142-3

**CR-424-2024 (O&M)
Date of Decision: 10.01.2025**

KULWARN SINGH ATWAL

....Petitioner

Versus

RAJAN GROVER

....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Chanchal K. Singla, Advocate
for the respondent.

ARCHANA PURI, J. (Oral)

Mr. Chanchal K. Singla, Advocate, has filed Power of Attorney
on behalf of the respondent, which is taken on record.

CM-1344-CII-2024

Keeping in view the averments made in the application, same is
allowed.

Main case

The counsel for the parties heard.

The present revision petition has been filed by the petitioner to
challenge the order dated 04.01.2024, passed by the Executing Court in the
execution i.e. EXE-1297-2023, titled '*Kulwarn Singh Atwal Vs. Rajan
Grover etc.*'.

As culled out from the paperbook, it is evident that the
petitioner-Kulwarn Singh Atwal, had filed the petition for seeking ejectment



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of the respondent from the property bearing No.19A, Link Road, Atwal Complex, Jalandhar, the detail whereof is given in the head note of the ejectment petition, copy whereof is Annexure P-7.

However, the respondent-tenant did not make appearance in the aforesaid petition and as such, was proceeded against *ex parte*. Thereupon, after recording of the evidence, *ex parte* ejectment order was passed on 22.09.2023, copy whereof is Annexure P-8. Consequent to the same, execution was filed, copy whereof is Annexure P-9. During the pendency of the said execution, the respondent made appearance and produced the copy of the order dated 22.05.2023 passed by this Court in CR-1486-2023, vide which this Court had directed not to proceed further with the execution, *vis-a-vis*, the issuance of warrant of possession. The order passed by the Executing Court, upon production of the aforesaid order, is reproduced in verbatim, as hereingiven:-

“ Perusal of the file reveals that on 20.12.2023 learned counsel for JD has produced copy of order dated 22.05.2023 passed by the Hon’ble High Court in CR-1486-2023 (O&M) vide which this court has been directed not to proceed further with the execution vis-a-vis issuance of warrants of possession.

Keeping in view the above said orders of the Hon’ble High Court. Now let further orders of High Court be awaited for 23.01.2024. Learned counsel for DH is also directed to produce copy of above said order.”

Being aggrieved, the petitioner filed the present revision petition.

At the very outset, it is pertinent to mention that the order dated



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22.05.2023 passed by this Court in CR-1486-2023, related to the order dated 10.07.2019 passed in the ejectment petition, which was filed by Manjit Sandhu. Seemingly, the respondent tried to hoodwink the Executing Court, by way of filing the order dated 22.05.2023. However, since this order does not relate to the execution order in question, therefore, there was no necessity for awaiting any further orders of this Court, on the basis of the order dated 22.05.2023.

In view of the aforesaid fact situation, the revision petition is hereby accepted and the order dated 04.01.2024, qua awaiting further orders, stands set aside and the Executing Court may proceed further, in accordance with law. However, if the respondent has any grievance and feels the necessity of taking any objections, he has the liberty to do so.

In view of the aforesaid terms, the revision petition stands disposed of.

10.01.2025

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No